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OFFICE OF PETITIONS

In re Patent No. 7,521,212	:	
Samain et al.	:	DECISION UPON REMAND AND
Issue Date: April 21, 2009	:	RECONSIDERATION OF
Application No. 10/019954	:	PATENT TERM ADJUSTMENT
Filed: May 24, 2002	:	AND NOTICE OF INTENT
Attorney Docket No. 065691-0267	:	TO ISSUE CERTIFICATE OF
Title: Methods for Producing	:	CORRECTION
Oligopolysaccharides	:	

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

A telephone call was made to counsel for patent owner to confirm the determination of 835 days.

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by EIGHT HUNDRED AND THIRTY-FIVE (835) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by EIGHT HUNDRED AND THIRTY-FIVE (835) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction
Copy of adjusted PTA calculation

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,521,212

DATED : April 21, 2009

DRAFT

INVENTOR(S) : Samain et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 264 days

Delete the phrase "by 264 days" and insert – by 835 days--

Day : Wednesday

PALM INTRANET

Date: 11/3/2010

Time: 12:05:22

PTA Calculations for Application: 10/019954

Application Filing Date:	05/24/2002	PTO Delay (PTO):	645
Issue Date of Patent:	04/21/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	378
Post-Issue Petitions:	0	Total PTA (days):	835
PTO Delay Adjustment:	568		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
97	11/03/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	571		
88.5	04/01/2009	PTA 36 MONTHS	210		
88	04/21/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
87	03/23/2009	EXPORT TO FINAL DATA CAPTURE			
86	03/20/2009	DISPATCH TO FDC			
85	03/16/2009	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
84	03/16/2009	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
84	03/16/2009	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
83	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		3	
83	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO			
82	01/28/2009	PETITION ENTERED			
81	02/02/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
80	01/28/2009	ISSUE FEE PAYMENT VERIFIED			
79	01/28/2009	ISSUE FEE PAYMENT RECEIVED			
78	12/01/2008	FINISHED INITIAL DATA CAPTURE			
77	11/14/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
76	11/04/2008	EXPORT TO INITIAL DATA CAPTURE			
74	10/30/2008	MAIL NOTICE OF ALLOWANCE			
73	10/28/2008	ISSUE REVISION COMPLETED			
72	10/28/2008	DOCUMENT VERIFICATION			

71	10/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	10/14/2008	CASE DOCKETED TO EXAMINER IN GAU			
69	10/14/2008	EXAMINER'S AMENDMENT COMMUNICATION			
68	10/14/2008	NOTICE OF ALLOWABILITY			
67	08/28/2008	MISCELLANEOUS INCOMING LETTER			
66	08/14/2008	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
65	07/11/2008	MISCELLANEOUS INCOMING LETTER			
64	07/11/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
63	07/08/2008	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
62	07/08/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
61	07/28/2008	DATE FORWARDED TO EXAMINER			
60	07/08/2008	RESPONSE AFTER NON-FINAL ACTION		90	58
59	07/08/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
58	01/09/2008	MAIL NON-FINAL REJECTION			
57	01/07/2008	NON-FINAL REJECTION			
56	10/25/2007	DATE FORWARDED TO EXAMINER			
55	10/18/2007	RESPONSE AFTER NON-FINAL ACTION		61	53
54	10/18/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
53	05/18/2007	MAIL NON-FINAL REJECTION			
50	05/14/2007	NON-FINAL REJECTION			
49	03/12/2007	DATE FORWARDED TO EXAMINER			
48	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
47	03/12/2007	DATE FORWARDED TO EXAMINER			
46	02/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		92	37
45	03/12/2007	DISPOSAL FOR A RCE / CPA / R129			
44	02/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	02/28/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	01/31/2007	MAIL ADVISORY ACTION (PTOL - 303)			
41	01/29/2007	ADVISORY ACTION (PTOL-303)			
40	01/16/2007	DATE FORWARDED TO EXAMINER			
39	12/28/2006	AMENDMENT AFTER FINAL REJECTION			
38	12/28/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			

37	08/28/2006	MAIL FINAL REJECTION (PTOL - 326)			
36	08/21/2006	FINAL REJECTION			
35	06/05/2006	DATE FORWARDED TO EXAMINER			
34	05/30/2006	RESPONSE AFTER NON-FINAL ACTION		62	32
33	05/30/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	12/29/2005	MAIL NON-FINAL REJECTION			
31	01/05/2006	NON-FINAL REJECTION			
28	10/13/2005	DATE FORWARDED TO EXAMINER			
27	10/05/2005	RESPONSE AFTER NON-FINAL ACTION		61	25
26	10/05/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	05/05/2005	MAIL NON-FINAL REJECTION			
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23	02/23/2005	DATE FORWARDED TO EXAMINER			
22	01/13/2005	RESPONSE TO ELECTION / RESTRICTION FILED		12	18
21	01/13/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	01/13/2005	WORKFLOW INCOMING AMENDMENT IFW			
18	10/01/2004	MAIL RESTRICTION REQUIREMENT	435		-1
17	09/30/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
16	03/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	02/12/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14.7	05/24/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	05/24/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	04/03/2003	CASE DOCKETED TO EXAMINER IN GAU			
12	09/10/2002	APPLICATION DISPATCHED FROM OIPE			
11	09/06/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
10	09/04/2002	NOTICE OF DO/EO ACCEPTANCE MAILED			
9	05/24/2002	ADDITIONAL APPLICATION FILING FEES			
8	05/24/2002	INFORMATION DISCLOSURE STATEMENTS			
7	05/24/2002	PRELIMINARY AMENDMENTS			
6	05/24/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/24/2002	DRAWING PRELIMINARY AMENDMENT			
4	05/24/2002	TRANSLATION OF THE INTERNATIONAL APPLICATION INTO ENGLISH			
3	05/24/2002	TRANSLATION OF THE INTERNATIONAL			

		APPLICATION INTO ENGLISH			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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